

Nos. 23-5284 & 23-5301

In the
United States Court of Appeals
for the
District of Columbia Circuit

HIV & HEPATITIS POLICY INSTITUTE, *et al.*,
Plaintiffs-Appellees-Cross-Appellants,

– v. –

UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES, *et al.*,
Defendants-Appellants-Cross-Appellees,

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court’s order of December 20, 2023, Plaintiffs-Appellees-Cross-Appellants state that the issues to be raised in this appeal include:

Whether the rulemaking challenged below, *Patient Protection and Affordable Care Act*; *HHS Notice of Benefit and Payment Parameters for 2021*; *Notice Requirement for Non-Federal Governmental Plans*, 85 Fed. Reg. 29164 (May 14, 2020) (codified at 45 C.F.R. § 156.130(h)), conflicts with the Affordable Care Act’s definition of “cost sharing” (see 42 U.S.C. § 18022(c)(3)(A)), other statutory text, or existing regulations (see 45 C.F.R. § 155.20).

Dated: January 19, 2024

Respectfully submitted,

/s/ Paul W. Hughes

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, and counsel for all parties will be served by the CM/ECF system.

Dated: January 19, 2024

/s/ Paul W. Hughes